IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3449 OF 1999

Justice S.Natrajan (Retd.). ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Deepak Girme for Petitioner.
Ms.R.M.Gadhavi, APP for State.
Mr.Kunal Damle i/b. M/s.Udwadia Udeshi for Respondents.

CORAM : V.M. KANADE, J.

DATED : JANUARY 18, 2006

P.C. :-

. Heard learned Counsel for the petitioner and learned Counsel for respondent No.2.

. The petitioner is challenging the order of issuance of process by the JMFC Court No.3, Pune, in C.C.No.1101/97. The petitioner was invited to join the Board of Directors of the Company called "NEPC Tea Gardens Ltd." and he consented to become a director of the said company. The said company, however, merged with another company called as "M/s.NEPC Agro Foods Ltd.". As a result, by virtue of provisions of Section 260 of the Companies act, his term as a Director expired on 30th April, 1996. It is an admitted position that he

did not give his consent to act as Director thereafter. Thereafter, certain cheques were issued by the company which were dishonoured and therefore, the complaint was filed by respondent no.2 under Section 138 of the Negotiable Instruments Act.

2. Learned Counsel appearing on behalf of respondent no.2 candidly and fairly conceded that he was not aware about the factual position of the resignation of the present petitioner as a Director from the said Company. He, therefore, conceded that the name of the petitioner be deleted from the complaint.

3. Accordingly, Criminal Application is allowed. The process which is issued against the present petitioner in C.C.No.1101/1997 pending in the Court of JMFC, Court No.3 at Pune, is deleted. Application is allowed and is made absolute in terms of prayer clause (a).

4. The trial Court, however, is directed to expedite the hearing of the trial against the remaining

accused and shall decide the complaint, as expeditiously as possible, and in any event, within a period of six months.

. Application is disposed of in the above terms.

(V.M. KANADE, J.)